United States of America

# UNITED STATES DISTRICT COURT

for the

Eastern District of California

V.	) Case No. 2:21-mj-00087-JDP			
JOSE GONZALO PONCE-MENDOZA				
Defendant	)			
ORDER OF DETENTION PENDING TRIAL				
Part I - Eligibility for Detention				
Upon the				
Motion of the Government attorney pursuant Motion of the Government or Court's own me the Court held a detention hearing and found that detention is and conclusions of law, as required by 18 U.S.C. § 3142(i), in	otion pursuant to 18 U.S.C. § 3142(f)(2), warranted. This order sets forth the Court's findings of fact			
Part II - Findings of Fact and Law	as to Presumptions under § 3142(e)			
and the community because the following conditions hat  (1) the defendant is charged with one of the following (a) a crime of violence, a violation of 18 U § 2332b(g)(5)(B) for which a maximum term (b) an offense for which the maximum term (c) an offense for which a maximum term (c) an offense for which a maximum term (d) any felony if such person has been converted (a) through (c) of this paragraph, or two or described in subparagraphs (a) through (c) jurisdiction had existed, or a combination of	ions will reasonably assure the safety of any other person we been met:  owing crimes described in 18 U.S.C. § 3142(f)(1):  S.C. § 1591, or an offense listed in 18 U.S.C.  or of imprisonment of 10 years or more is prescribed; or  tence is life imprisonment or death; or  of imprisonment of 10 years or more is prescribed in the  01-904), the Controlled Substances Import and Export Act  Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or  victed of two or more offenses described in subparagraphs  more State or local offenses that would have been offenses  of this paragraph if a circumstance giving rise to Federal  of such offenses; or			
	of violence but involves: irearm or destructive device (as defined in 18 U.S.C. § 921); failure to register under 18 U.S.C. § 2250; <i>and</i>			
(2) the defendant has previously been convicted § 3142(f)(1), or of a State or local offense that w to Federal jurisdiction had existed; <i>and</i> (3) the offense described in paragraph (2) above committed while the defendant was on release positive (4) a period of not more than five years has elapsed.	of a Federal offense that is described in 18 U.S.C. rould have been such an offense if a circumstance giving rise			

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B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
(1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);  (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
(2) an offense under 18 U.S.C. §§ 924(c), 936(a), or 2332b;  (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
(4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
(5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.
C. Conclusions Regarding Applicability of Any Presumption Established Above
The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (Part III need not be completed.)
OR
The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.
Part III - Analysis and Statement of the Reasons for Detention
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After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing the Court concludes that the defendant must be detained pending trial because the Government has proven:
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	Significant family or other ties outside the United States		
X	Lack of legal status in the United States		
X	Subject to removal or deportation after serving any period of incarceration		
X	Prior failure to appear in court as ordered		
	Prior attempt(s) to evade law enforcement		
	Use of alias(es) or false documents		
X	Background information unknown or unverified		
X	Prior violations of probation, parole, or supervised release		

#### OTHER REASONS OR FURTHER EXPLANATION:

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### **Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney Ger	neral or to the Attorney General's designated representative
for confinement in a corrections facility separate, to the extent	practicable, from persons awaiting or serving sentences or
being held in custody pending appeal. The defendant must be	e afforded a reasonable opportunity for private consultation
with defense counsel. On order of a court of the United States	or on request of an attorney for the Government, the person
in charge of the corrections facility must deliver the defendant	to a United States Marshal for the purpose of an appearance
in connection with a court proceeding.	

Date:	June 10, 2021	Veren Joleson
		Jeremy D. Peterson United States Magistrate Judge